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**FILED**

**MAR 11 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN- 2010-4297

13 **AIDA SIGUENZA**  
14 **A.K.A. AIDA ISABEL SIGUENZA**  
15 **464 Irvington Street**  
16 **Daly City, CA 94014**

**ACCUSATION**

17 **Vocational Nurse License No. VN 250589**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in  
22 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
23 Technicians, Department of Consumer Affairs.

24 2. On or about June 15, 2010, the Board of Vocational Nursing and Psychiatric  
25 Technicians issued Vocational Nurse License Number VN 250589 to Aida Siguenza, also known  
26 as Aida Isabel Siguenza, (Respondent). The Vocational Nurse License was in full force and  
27 effect at all times relevant to the charges brought in this Accusation and will expire on August 31,  
28 2013, unless renewed.

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"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof."

9. Section 490 of the Code provides, in pertinent part, that a Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. California Code of Regulations, title 16, section 2521, states, in pertinent part:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare."

## COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINARY ACTION**

2 (Substantially Related Conviction)  
3 (Bus. & Prof. Code §§ 490, 2878, subd. (f))

4 12. Respondent has subjected her Vocational Nurse License to disciplinary action under  
5 Code sections 490 and 2878, subdivision (f), and California Code of Regulations, title 16, section  
6 2521, in that she was convicted of a crime substantially related to the qualifications, functions, or  
7 duties of a vocational nurse. Specifically, on or about September 23, 2011, in the Superior Court  
8 of California, San Mateo County, Case No. NM403092, entitled *People of the State of California*  
9 *v. Aida Isabel Siguenza*, Respondent was convicted by her plea of nolo contendere to violating  
10 Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content of .08% or  
11 more), a misdemeanor. Respondent also admitted the prior conviction on July 18, 2006, of  
12 violating Vehicle Code section 23152, subdivision (b). The imposition of sentencing was  
13 suspended, and Respondent was placed on court probation for 3 years upon terms and conditions,  
14 which included, but were not limited to, the following: serve 32 days in County Jail, with  
15 recommendation to be accepted to the Sheriff's Alternative Sentencing Bureau; obey all laws;  
16 pay fine of \$2,125; enroll in and complete the multiple offender program; and do not drive with  
17 any alcohol in her system during probationary period; and do not drive without a valid license or  
18 without insurance. The factual circumstances of the convictions are as follows:

19 a. On or about April 30, 2011, a Daly City Police Department (DCPD) pulled over  
20 Respondent, who was driving a black Honda Civic, which was straddling both lanes of traffic.  
21 Once contacted, the DCPD officer noticed that Respondent displayed the "classic systems" of  
22 being under the influence of alcohol. Although Respondent told the officer that she had had only  
23 one drink, the officer noted that Respondent's breath smelled like alcohol, she had bloodshot eyes,  
24 and her speech was slurred. Respondent admitted that she had been arrested for a prior DUI.  
25 Respondent performed poorly on the field sobriety tests she agreed to take. Respondent refused  
26 to take other field sobriety tests because as she said, she was too intoxicated. A preliminary  
27 alcohol screening (PAS) test showed that Respondent's blood alcohol content (BAC) was .23  
28 percent. Based upon the officer's initial driving observations, Respondent's statements, and her

1 poor performance of the field sobriety tests, Respondent was arrested for driving under the  
2 influence of alcohol.

3 **SECOND CAUSE FOR DISCIPLINARY ACTION**

4 ((Unprofessional Conduct - Used Alcohol to a Dangerous Extent)  
5 (Bus. & Prof. Code §2878.5 subd. (b))

6 13. The allegations of paragraph 12 are realleged and incorporated by reference as if fully  
7 set forth.

8 14. Respondent has subjected her Vocational Nurse License to disciplinary action  
9 under section 2878.5, subd. (b), of the Code on the grounds of unprofessional conduct in that on  
10 or about April 30, 2011, Respondent used alcohol to an extent or in a manner dangerous or  
11 injurious to herself, any other person, or the public, as set forth in paragraph 12, above.

12 **THIRD CAUSE FOR DISCIPLINARY ACTION**

13 (Unprofessional Conduct - Conviction Involving Alcohol)  
14 (Bus. & Prof. Code §2878.5, subd. (c))

15 15. The allegations of paragraph 12 are realleged and incorporated by reference as if  
16 fully set forth.

17 16. Respondent has subjected her Vocational Nurse License to disciplinary action under  
18 section 2878.5, subdivision (c), of the Code on the grounds of unprofessional conduct, in that on  
19 or about September 23, 2011, Respondent was convicted of a crime involving the consumption of  
20 alcohol, as set forth in paragraph 12, above.

21 **MATTERS IN AGGRAVATION**

22 17. Complainant realleges the allegations set forth in paragraphs 12, 13, 14, 15, and 16,  
23 above, which are incorporated by reference as if fully set forth.

24 18. Complainant alleges, by way of aggravation of any penalty to be imposed in this  
25 matter, that the following conduct may be considered:

26 a. On or about July 18, 2006, in the Superior Court of California, County of Santa Clara,  
27 Case Number NM356386A, entitled *The People of the State of California v. Aida Isabel*  
28 *Siguenza*, Respondent was convicted by her plea of nolo contendere of violating Vehicle Code  
section 23152, subdivision (b) (driving with a blood alcohol content of .08% or more), a  
misdemeanor. The imposition of sentence was suspended, and Respondent was placed on

1 probation for 3 years upon terms and conditions, which included, but were not limited to, the  
2 following: serve 96 hours in County Jail with recommendation to be accepted to the Sheriff's  
3 Alternative Sentencing Bureau; pay a fine of \$1,381; not to drive without valid driver license or  
4 insurance; enroll in and complete a 9 month First Offender program; not to drive with any alcohol  
5 in her blood during the probationary period. The factual circumstances of this conviction are as  
6 follows:

7 a. On or about February 16, 2006, in San Bruno, California, a California Highway  
8 Patrol (CHP) officer was dispatched to the scene of a traffic collision. Once there, the CHP  
9 officer contacted Respondent who had driven her vehicle into a tree. A responding San Bruno  
10 Police Department (SBPD) corporal told the CHP officer that he had smelled alcohol on  
11 Respondent's breath. He also told the CHP officer that Respondent's eyes had a glassy  
12 appearance. Respondent was injured and she was treated by the San Bruno Fire Department and  
13 a paramedic. Once Respondent was removed from her vehicle, the CHP officer noticed an almost  
14 empty bottle of Hennessy cognac lying on the vehicle's front right passenger's floorboard.  
15 Respondent admitted to the paramedic that she had drunk two to three glasses of wine and a glass  
16 of Hennessy cognac. The paramedic smelled a strong odor of an alcoholic beverage on  
17 Respondent's breath. Due to Respondent's injuries, Respondent could not participate in a breath  
18 test of her blood alcohol content, or any field sobriety tests. Respondent told the CHP officer, "I  
19 know I shouldn't drive. I was intoxicated." Respondent was arrested for driving under the  
20 influence of alcohol.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
24 issue a decision:

25 1. Revoking or suspending Vocational Nurse License Number VN 250589, issued to  
26 Aida Siguenza;

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1           2.     Ordering Aida Siguenza to pay the Board of Vocational Nursing and Psychiatric  
2 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
3 Business and Professions Code section 125.3; and

4           3.     Taking such other and further action as deemed necessary and proper.  
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6  
7 DATED: March 11, 2013.



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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